

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT BRYANT, TRINTON HATTON, and	:	No. 1:17-cv-07638 (CM) (HBP)
MARC MEETERS, Individually and on behalf of	:	
themselves and all others similarly situated,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
POTBELLY SANDWICH WORKS, LLC,	:	
Defendant.	:	
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DECLARATION OF DANA BOUB

1. My name is Dana Boub, and I am over the age of eighteen (18) years. I make this declaration under the penalty of perjury, free and voluntarily, under no coercion, threat, or intimidation, and without promise of benefit or reward, based on my own personal knowledge. If called to testify, I could and would testify consistent with the matters stated herein.

2. I am a project manager for RG/2 Claims Administration LLC (“RG/2 Claims”), the independent third-party settlement administrator retained first as Notice Administrator and then as Settlement Administrator to handle various settlement administration activities in the above-referenced matter, including mailing of settlement notification packages to Class Members. Each facet of the Notice Program was timely and properly accomplished.

3. RG/2 Claims is a full service class action settlement administrator offering notice, claims processing, allocation, distribution, tax reporting, and class action settlement consulting services. RG/2 Claims’ experience includes the provision of notice and administration services for settlements arising from antitrust, consumer fraud, civil rights, employment, negligent disclosure, and securities fraud allegations. Since 2000, RG/2 Claims has administered and distributed in excess of \$1.7 billion in class action settlement proceeds.

4. I have been actively involved and responsible for handling the administration of the Settlement of the above-referenced matter.

5. On November 20, 2019, RG/2 Claims received electronic files from counsel for

Plaintiffs and Defendant that, when combined, contained the list of the names, known contact information, and work weeks for the present and former employees of Defendant who were identified as Class Members. RG/2 Claims then calculated estimated payment amounts for each of the 202 Class Members, which amounts were set forth in the notices RG/2 Claims served. Included in these files were 202 total class and collective settlement members, of whom 54 were absent Illinois class members.

6. Prior to mailing the Notice Packets, and in order to locate the most recent addresses for Class Members, RG/2 Claims ran the Class data list of 202 names and addresses received from the Defendants through the United States Postal Service's National Change of Address database ("NCOA") and updated the records with any corrected information received. RG/2 Claims also incorporated any updated addresses for the Class Members received from Class Counsel.

7. On November 22, 2019, RG/2 Claims caused to be served by First Class U.S. Mail and email the following settlement personalized Notice Packets:

- a. Court-approved *Notice to FLSA Collective Members* to the 148 identified FLSA Collective Members; and
- b. Court-approved *Notice to Illinois Class Members* to the 54 absent Illinois Class Members.

8. Based on the Notice Packet mailing date, each Illinois Class Member had until January 6, 2020 to opt-out of the settlement, object to the settlement, or to notify RG/2 in writing of their request to forfeit their offered FLSA payment.

9. Concurrent with the Settlement Notice dissemination, RG/2 Claims posted the Settlement Agreement on the RG/2 Claims website at www.rg2claims.com/pdf/bryantpotbelly/SettlementAgreement.pdf.

10. A toll free number, listed in the Court-approved Notices, has been operational since November 22, 2019. By calling this number, Settlement Class Members could leave a message and receive a return call from RG/2 personnel to provide answers to questions, process address updates, explain the settlement and settlement process, and address any concerns. RG/2 Claims received 1 phone call from a Class Member asking for general information regarding the Settlement and Classes through its toll-free phone number.

11. As of January 15, 2020, 22 Notice Packets have been returned by the United States Postal Service ("USPS") as undeliverable. Of the 22 returned Notice Packets, 5 Notice Packet included a forwarding address provided by the USPS, and a new Notice Packet was promptly mailed to the Class Member. For the remaining 17 returned Notice Packets, RG/2 Claims performed extensive skip-trace procedures, and was able to locate updated addresses for 13 Class Members. A total of 4 Notice Packets remain undeliverable, thus only 1.98% of the Notice Packets sent have been deemed unsuccessfully delivered.

12. As of January 15, 2020, RG/2 Claims has received zero requests be excluded from the Settlement.

13. The Net Settlement Amount available to pay the 202 Participating Class Members was determined as follows:

Class Gross Settlement Amount:	\$ 561,375.92
Less Attorneys' Fees & Costs (Requested)	-\$ 205,188.09
Less Notice and Settlement Administration Fees	-\$ 32,871.00
Less Plaintiffs' Service Payments (Requested)	-\$ 12,500.00
<u>Less Estimated Employer's Taxes</u>	<u>-\$ 17,590.73</u>
NET SETTLEMENT AMOUNT	\$ 293,226.10

14. As of January 15, 2020, RG/2 Claims has not received any objections to the Settlement.

15. To date, RG/2 Claims has incurred \$8,921 in connection with the FLSA collective action notice administration and our final invoice for all settlement administration costs will not exceed \$24,000. RG/2 Claims total invoice for the FLSA collective action notice administration and the Settlement administration will not exceed \$32,871. Attached as Exhibit A is our final invoice for the notice & settlement administration costs.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 24th day of January, 2020.


DANA BOUB

EXHIBIT A



Presented by:
William W. Wickersham, Esquire
Vice President, Business
Development and Client Relations
(212) 471-4777
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**Costs for Notice & Administration Services related to:
Bryant/Hatton v. Potbelly Employment Matter**

Assumptions:

Class Size	202
# of Emails	202
Returned Notice %	15%
Claims (Y/N)	N
Claims Rate	0%
# of Checks Issued	201
# of States Tax Work	21

	<u>Units</u>	<u>Quantity</u>	<u>Amount</u>
Case Intake			
Process Data	Hourly	4	\$ 920
Project Mgt-Intake	Flat Fee	1	\$ 1,500

Subtotal: Setup Cost **\$ 2,420**

Class Member Identification & Notification			\$ 1,267
Set up Email Notice	Flat Fee	1	\$ 500
Issue Notice Via Email	Per Email	202	\$ 51
Print and Mail up to 8-page Notice Package	Per Piece	202	\$ 505
NCOA	Flat Fee	1	\$ 100
Postage	Per Piece	202	\$ 111
Notice Follow Up			\$ 80
Returned Notices - Process Mail & Update Database	Per Piece	22	\$ 17
Locate Missing Class Members (Locator Services)/ Troubleshoot	Per Piece	17	\$ 21
Re-Mail Notices	Per Piece	14	\$ 35
Postage	Per Piece	14	\$ 8

Subtotal: Notification Cost **\$ 1,347**

Processing Costs			
Input Opt-Outs and Report	Per Piece	1	\$ 5

Subtotal: Processing Cost **\$ 5**



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**Costs for Notice & Administration Services related to:
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	<u>Units</u>	<u>Quantity</u>	<u>Amount</u>
Telephonic Database Support			
Live Operator (estimated calls through post distribution)	Monthly	15	\$ 375
Emails (estimated emailss through post distribution)	Per Piece	30	\$ 135
Subtotal: Telephone and Email Support			\$ 510
Database and Account Setup	Flat Fee	2	\$ 1,000
Issue Checks with Tax Documents to Qualified Claimants	Per Piece	201	\$ 402
Postage	Per Piece	201	\$ 111
Reissue Checks	Per Piece	10	\$ 50
Postage	Per Piece	10	\$ 6
Check Reminder Letters	Flat Fee		\$ 500
Scan IL Checks	Flat Fee		\$ 250
Tax Preparation			
QSF Tax Return Prep & Filing	Per Year	1	\$ 1,200
State Tax Reporting	Per Jurisdiction	21	\$ 11,550
Subtotal: Fund Distribution & Tax Preparation			\$ 15,068
Case Management, Data Management, Data Warehousing, Technical Support and Reporting to Counsel and the Court.	Hourly	20	\$ 4,600
Subtotal: Project Management			\$ 4,600
Notice and Administration Costs and Expenses through Completion			\$ 23,950
FLSA Notice & Consent Administration Costs			\$ 8,921
Total Cost			\$ 32,871